Trial Counce 1:07-cv-06618-CM	Document 46	Filed 06/27/2008	Page 1 of 14
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raesilille No. (310) 400-3302			
UNITED STATES DISTRICT COU	RT		
SOUTHERN DISTRICT OF NEW Y	<del></del>		
	X		
JANNIE PILGRIM, GIOVANNA H	ENSON,		
JESAN SPENCER, and BRENDA C	URTIS,	CV 07-6618 (CM)(A	AJP)
		PLAINTIFFS' PRO	
	laintiffs	SPECIAL VERDIO	CT FORM
-against-			
THE MCGRAW-HILL COMPANIE	CS, INC.,		
n	efendant.		
D	X		

Plaintiff, by and through their attorneys, Solotoff & Solotoff submits the following Special Verdict Form. We respectfully request that the proposed Verdict Form be incorporated into any Form that Your Honor ultimately uses. Plaintiffs reserve their right to modify, amend or supplement their proposed Verdict Form in accordance with Your Honor's rules.

## **Plaintiffs' Proposed Special Verdict Form**

# PART A. (Hostile Work Environment)

**PART [A]:** Plaintiff Pilgrim and/or Plaintiff Spencer contend that Defendant's agents had created a hostile work environment in violation of Title VII. You must find:

**PART A:** (#1) Whether the Plaintiffs proved a *prima facie* case that Defendant's management created a hostile work environment.

If you find below in favor of either Plaintiff **Pilgrim** or **Spencer** or both, you must move on to **PART A** (#2) below for each of such Plaintiff, if not you must move on to **PART B** below.

Plandiff Jani	Zi€¥£16618-C	M <sub>Yes</sub> Document 46	Filed 06/27/2008	Page 2 of 14
Plaintiff <b>Jesa</b>	n Spencer:	Yes:	No:	
PART A: (#2)	Whether the	Defendant's managem	ent, purported excuse	for its actions, as to Ms.
Pilgrim, and/or Ms. S	Spencer was a j	pretext for a hostile wo	ork environment.	
Plaintiff <b>Janı</b>	nie Pilgrim:	Yes:	No:	
Plaintiff <b>Jesa</b>	n Spencer	Yes:	No:	
If you find in	favor of Ms. F	Pilgrim and/or Ms. Spe	ncer you must move o	n to <b>PART A (#3)</b> below
if not you must move	e on to PART	<b>B</b> below.		
PART A: (#3):	Whether Plai	ntiff proved by a prepo	onderance of the evide	nce that the Defendant's
created a hostile wor	k environment			
Plaintiff <b>Jan</b>	nie Pilgrim:	Yes:	No:	
Plaintiff <b>Jesa</b>	n Spencer:	Yes:	No:	
PART A [#4].	If you found	in favor of the Ms. Pil	grim and/or Ms. Spend	cer you must determine
whether as a result of	f the hostile wo	ork environment Plaint	iff suffered injury and	suffered past, present,
and will suffer future	e physical, men	tal and emotional distr	ress, embarrassment, h	umiliation, pain, loss of
eniovment of life, an	d damage for t	reatment expense in ar	amount to be determi	ned by you the jury.
The Lease Cond	la da a Diaindice	I Dil	1.	
·		Jannie Pilgrim suffer		
	emotional injury			
	nt emotional in	•		
	e emotional inj	-		
	ment Expense	\$		
	nal Damages	\$		
The Jury find	ls that Plaintiff	Jesan Spencer suffere	ed:	
Past e	motional injur	y:		
Preser	nt emotional in	jury \$		
Future	e emotional inj	ury \$		
Treati	ment Expense	\$		

If you find in favor of Ms. Pilgrim and/or Ms. Spencer above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Ms. Pilgrim and/or Ms. Spencer is entitled to punitive and exemplary damages from the Defendant, proceed to **PART A [#5]** below:

**PART I** [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was *either* purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

	The Jury Finds the	hat Plaintiff <b>Pilg</b>	<b>rim</b> is entitled to	o recover punitive	e and exemplary	damages in	he
amount	of \$						

The Jury Finds that Plaintiff **Spencer** is entitled to recover punitive and exemplary damages in the amount of \$\_\_\_\_\_

### PART B.

# (Retaliation)

**PART B:** Plaintiffs **Pilgrim, Spencer, Curtis and Henson** each contend that Defendant's had retaliated against her for complaining of discrimination in violation of Title VII. You must find:

**PART B** (#1) Whether the Defendant's management retaliated against the Plaintiff for complaining of discrimination

If you find in favor of any one, or more, of the **Plaintiffs Pilgrim, Spencer, Curtis and/or Henson** you must move on to **PART B** (#2) below, if not you must move on to **PART C** below.

Plaintiff <b>Jannie Pilgrim</b> :	Yes:	No:
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff <b>Giovanna Henson</b> :	Yes:	No:
Plaintiff <b>Brenda Curtis:</b>	Yes:	No:

**PART B** (#2): Whether the Defendant's management purported excuse for its actions as to Plaintiff was a pretext for retaliation.

Plaintiff Jannie Pilgrin?	Yes Document 46		Page 4 01 14
Plaintiff Jesan Spencer:	Yes:	No:	
Plaintiff Giovanna Henson:	Yes:	No:	
Plaintiff Brenda Curtis:	Yes:	No:	
If you find in favor of any on	e or other Plaintiff, <b>Pi</b>	lgrim, Spencer, Curti	s and/or Henson you
must move on to <b>PART B</b> (#3) below	w, if not you must mov	ve on to <b>PART C</b> belo	w.
PART B: (#3): Whether Plain	tiff proved by a prepo	nderance of the eviden	ice that the Defendant's
retaliated against her in part for comp	plaining about discrim	ination.	
Plaintiff Jannie Pilgrim:	Yes:	No:	
Plaintiff Jesan Spencer:	Yes:	No:	
Plaintiff Giovanna Henson:	Yes:	No:	
Plaintiff Brenda Curtis:	Yes:	No:	
PART B [#4]. If you found in	n favor of any one or r	more of the Plaintiffs y	ou must determine
whether as a result of the retaliation	the Plaintiff suffered i	njury and suffered past	t, present, and will suffer
future physical, mental and emotiona	al distress, embarrassn	nent, humiliation, pain,	loss of enjoyment of
life, and damage for treatment expen		_	
me, and damage for deatment expen	se in an amount to be	determined by you me	jury.
The Jury finds that Plaintiff J	annie Pilgrim suffere	ed:	
The Jury finds that Pl	aintiff <b>Jannie Pilgrim</b>	suffered:	
Past emotional injury	: \$		
Present emotional inju	ury \$		
Future emotional inju	ry \$		
Treatment Expense	\$		
Nominal Damages	\$		
The Jury finds that Plaintiff J	esan Spencer suffere	d:	
Past emotional injury	\$		
Present emotional inju	ıry \$		
Future emotional inju	ry \$		
Treatment Expense	\$		

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The Jury Finds that Plaintiff **Giovanna Henson** is entitled to recover punitive and exemplary

The Jury Finds that Plaintif	f Brenda Curti	s is entitled to recover punitive	and exemplary damages
in the amount of \$	_		
	<u><b>P</b></u> A	ART C.	
	(Construc	tive Discharge)	
PILGRIM PART C: Plain	tiff Pilgrim and	Plaintiff Spencer contend that l	Defendant's caused her
to suffer constructive discharge in	violation of Title	e VII. You must find:	
PILGRIM PART C (#1). Whe	ther the Defend	ant's management caused Plain	tiff to suffer
constructive discharge			
Plaintiff <b>Jannie Pilgrim</b> :	Yes:	No:	
Plaintiff Jesan Spencer	Yes:	No:	
If you find in favor of Ms. I	Pilgrim and/or N	As. Spencer you must move on	to PART C (#2) below,
if not you must move on to PART	<b>D</b> below.		
PILGRIM PART C (#2): Whet	ther the Defenda	ant's management purported ex	cuse for its actions as to
Plaintiff was a pretext for construct	tive discharge.		
Plaintiff Jannie Pilgrim:	Yes:	No:	
Plaintiff Jeasn Spencer:	Yes:	No:	
If you find in favor of Ms. I	Pilgrim and/or N	As. Spencer you must move on	to PART C (#3) below,
if not you must move on to <b>PART</b>	<b>D</b> below.		
PILGRIM PART C: (#3): Whet	ther Plaintiff pro	oved by a preponderance of the	evidence that the
Defendant's constructively discharge	ged Plaintiff .		
Plaintiff <b>Jannie Pilgrim:</b>	Yes:	No:	

**PART C** (#4). If you found in favor of the Plaintiff Jannie Pilgrim and/or Jesan Spencer you must determine whether as a result of the constructive discharge Plaintiff suffered injury and suffered past, present, and will suffer future mental and emotional distress, embarrassment, humiliation, pain, loss of enjoyment of life, and damage for treatment.

The Jury finds that Plaintiff Jannie Pilgrim suffered:

The Jury finds that Plaintif	f Jannie Pilgrim suffered:
Past emotional injury:	\$
Present emotional injury	\$
Future emotional injury	\$
Treatment Expense	\$
Nominal Damages	\$
The Jury finds that Plaintiff <b>Jesan</b>	Spencer suffered:
Past emotional injury:	\$
Present emotional injury	\$
Future emotional injury	\$
Treatment Expense	\$
Nominal Damages	\$

If you find in favor of Ms. Pilgrim and/or Ms. Spencer above, in addition to the amount awarded above, and regardless of the amount awarded, you may find that Ms. Pilgrim and/or Ms/ Spencer is entitled to punitive and exemplary damages from the Defendant, proceed to **PILGRIM PART C** [#5] below:

**PILGRIM PART C** [#5]. If you find that Defendant through its agents and high ranking official/or officials' conduct was either purposeful, willful, malicious, oppressive, wanton, and/or grossly or recklessly negligent, in disregard of Plaintiff's civil rights, Plaintiff is entitled to recover punitive damages from the Defendant:

The Jury Finds that Plaintiff Jannie Pilgrim is entitled to recover punitive and exemplary

Plaintiff **Brenda Curtis:** 

The Jury Finds that Plaintiff	<b>Iesan Snencer</b> is entitle	d to recover punitive and exemplary damages
in the amount of \$	sesan openeer is enduced	a to recover pulltive and exemplary damages
	PART D	
	(Discrimination	)
PILGRIM PART D: Plainti	ff, <b>Pilgrim, Spencer, C</b> u	artis and/or Henson contend that her civil
rights were violated in part due to he	r race as an African Ame	erican person of color. You must find:
PART D: (#1): Whether Plain	tiff <b>Pilgrim, Spencer, C</b>	Curtis and/or Henson proved by a
preponderance of the evidence a prin	na facie case that the De	fendant's discriminated and denied the
Plaintiff equal terms, conditions and	privileges of employmen	nt, and failed to afford her, the full and equal
benefit of the laws in part by reason	of Plaintiff's race or colo	or.
If you find in favor of any or	ne or other Plaintiff <b>Pilg</b>	rim, Spencer, Curtis and/or Henson you
must move on to <b>PART D</b> (#2) below		
	·	
Plaintiff Jannie Pilgrim:		
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff Giovanna Henson:	Yes:	No:
Plaintiff Brenda Curtis:	Yes:	No:
PART D: (#2) Whether the D	Defendant's management	purported excuse for its actions as to
Plaintiff was a pretext for discrimina	tion.	
Plaintiff Jannie Pilgrim:	Yes:	No:
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff <b>Giovanna Henson</b> :	Yes:	No:

If you find in favor of any one or more of the Plaintiffs you must move on to **PART D** (#3) below, if not you must move on to **PART E** below.

Yes: \_\_\_\_\_ No: \_\_\_\_

**PART D: (#3):** Whether Plaintiff proved by a preponderance of the evidence that the Defendant's

failed to afford the Plaintiff the full a	and equal benefit of the	ne laws, in part, by reason of Plaintiff's race or
color.		
Plaintiff <b>Jannie Pilgrim</b> :	Yes:	No:
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff Giovanna Henson:	Yes:	No:
Plaintiff Brenda Curtis:		
PART D [#4]. If you found in	n favor of any one or	more of the Plaintiffs you must determine
whether as a result of the discriminat	ory conduct. Plaintifi	f suffered injury and suffered past, present, and
will suffer future physical, mental an	d emotional distress,	embarrassment, humiliation, pain, loss of
enjoyment of life, and damage for tre	eatment expense in ar	n amount to be determined by you the jury.
The Jury finds that Plaintiff <b>J</b>	annie Pilgrim suffer	red:
·	_	
Past emotional injury:	\$	
Present emotional inju	ıry \$	
Future emotional inju-	ry \$	
Treatment Expense	\$	
Nominal Damages	\$	
The Jury finds that Plaintiff J Past emotional injury:	-	ed:
Present emotional inju	ıry \$	
Future emotional inju	ry \$	
Treatment Expense	\$	
Nominal Damages	\$	
The Jury finds that Plaintiff (	Gi <b>ovanna Henson</b> su	ffered:
Past emotional injury:	\$	
Present emotional inju	ary \$	
Future emotional inju-	rv. ¢	

discriminatory practices defied the Maintin equarners, conditions and privileges Page 1910 in the name of the maintine equarners, conditions and privileges are problem.

Nominal Damages	\$
The Jury finds that Plaintiff <b>Brenda</b>	Curtis suffered:
Past Lost Income:	\$
Future Lost Income:	\$
Past emotional injury:	\$
Present emotional injury	\$
Future emotional injury	\$
Treatment Expense	\$
Nominal Damages	\$
If you find in favor of any one or mo	ore of the Plaintiffs above, in addition to the amount awarded
above, and regardless of the amount awarde	d, you may find that Plaintiff is entitled to punitive and
exemplary damages from the Defendant, the	en proceed to PART D [#5] below:
conduct was either purposeful, willful, malic negligent, in disregard of Plaintiff's civil rig	idant through its agents and high ranking official/or officials' cious, oppressive, wanton, and/or grossly or recklessly thts, Plaintiff is entitled to recover punitive damages from the
Defendant:	
The Jury Finds that Plaintiff Jannie	<b>Pilgrim</b> is entitled to recover punitive and exemplary
damages in the amount of \$	_
The Jury Finds that Plaintiff <b>Jesan S</b>	Spencer is entitled to recover punitive and exemplary damages
in the amount of \$	
The Jury Finds that Plaintiff <b>Giovan</b> damages in the amount of \$	na Henson is entitled to recover punitive and exemplary
The Jury Finds that Plaintiff <b>Brenda</b>	Curtis is entitled to recover punitive and exemplary damages
in the amount of \$	

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**PART E:** 

Plaintiff, Pilgrim, Spencer, Curtis and/or Henson contend that her civil rights

were violated in part due to her race	as an African American	person of color in violation of 42 U.S.C.
Section 1981: You must find:		
PART E: (#1): Whether any of	one or more Plaintiffs an	nd McGraw-Hill were parties to an implied
employment contract. Under 42 U.S.	C. § 1981(a), "	and that Plaintiff was qualified to work for
McGraw-Hill, and that McGraw Hill	has created and mainta	ined a system of hiring, and retaining and
promoting McGraw-Hill employees	which is very subjective	e and discriminated against Plaintiff by reason
of her race and color.		
If you find in favor of any on you have completed this verdict form	•	must move on to PART E (#2) below, if not
Plaintiff Jannie Pilgrim:	Yes:	No:
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff Giovanna Henson:	Yes:	No:
Plaintiff Brenda Curtis:	Yes:	No:
PART E: (#2) Whether the D	efendant's managemen	t purported excuse for its actions as to
Plaintiff Pilgrim was a pretext for dis	scrimination.	
Plaintiff Jannie Pilgrim:	Yes:	No:
Plaintiff Jesan Spencer:	Yes:	No:
Plaintiff Giovanna Henson:	Yes:	No:
Plaintiff Brenda Curtis:	Yes:	No:
If you find in favor of any on	e or other Plaintiff you	must move on to PART E (#3) below
	-	oved by a preponderance of the evidence that
		the Plaintiff equal terms, conditions and
by reason of Plaintiff's race or color		he full and equal benefit of the laws, in part,

Pla <b>data Jahnie/<b>ragain</b>:СМ</b>	Yes ocument 46	Filed <sub>o</sub> 06/27/2008	Page 12 of 14
Plaintiff Jesan Spencer:	Yes:	No:	
Plaintiff Giovanna Henson:	Yes:	No:	
Plaintiff Brenda Curtis:	Yes:	No:	
PART E [#4]. If you found in favor	of any one or other P	laintiff you must deter	rmine whether as a result
of the discriminatory conduct, Plaint	iff suffered injury and	d suffered past, preser	at, and will suffer future
physical, mental and emotional distre	ess, embarrassment, l	numiliation, pain, loss	of enjoyment of life, and
damage for treatment expense in an a	amount to be determi	ned by you the jury.	
The Jury finds that Plaintiff <b>J</b>	annie Pilgrim suffer	red:	
Past emotional injury:	\$		
Present emotional inju	ıry \$		
Future emotional inju-	ry \$		
Treatment Expense	\$		
Nominal Damages	\$		
The Jury finds that Plaintiff J Past emotional injury:	_		
Present emotional inju	ıry \$		
Future emotional inju-	ry \$		
Treatment Expense	\$		
Nominal Damages	\$		
The Jury finds that Plaintiff	Gi <b>ovanna Henson</b> su	ffered:	
Past emotional injury:	\$		
Present emotional inju	ıry \$		
Future emotional inju	ry \$		
Treatment Expense	\$		
Nominal Damages	\$		
The Jury finds that Plaintiff <b>E</b>	Brenda Curtis suffer	ed:	
Past Lost Income:	\$		
Future Lost Income:	\$		
Past emotional injury:	\$		
Present emotional init	ırv \$		

Treatment Expense	\$	-
Nominal Damages	\$	-
If you find in favor of any one or o	ther Plaintiff above, ir	addition to the amount awarded above,
and regardless of the amount awarded, you	ı may find that the Pla	intiff is entitled to punitive and
exemplary damages from the Defendant, the	han proceed to PART	<b>E</b> [# <b>5</b> ] below:
PART E [#5]. If you find that Defendant t	hrough its agents and	high ranking official/or officials' conduct
was either purposeful, willful, malicious, o	oppressive, wanton, an	d/or grossly or recklessly negligent, in
disregard of Plaintiff's civil rights, Plaintif	ff is entitled to recover	punitive damages from the Defendant:
The Jury Finds that Plaintiff <b>Jann</b>	ie Pilgrim is entitled t	o recover punitive and exemplary
damages in the amount of \$		
The Jury Finds that Plaintiff <b>Jesan</b>	<b>Spencer</b> is entitled to	recover punitive and exemplary damages
in the amount of \$		
The Jury Finds that Plaintiff Giova	nna Henson is entitle	d to recover punitive and exemplary
damages in the amount of \$		
The Jury Finds that Plaintiff <b>Brend</b>	la Curtis is entitled to	recover punitive and exemplary damages
in the amount of \$		
	Fore	eman of the Jury
	Date	::( //)

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#### **CERTIFICATE OF SERVICE**

The undersigned, a member in good standing of the Bar of this Court, hereby certifies that on June 27, 2008 Counsel caused a true and correct copy of Plaintiffs' Proposed Jury Instructions, Voir Dire Questions, and Special verdict Form to be served via Overnight Mail to:

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Dated: Great Neck, New York June 27, 2008

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